

**AMENDMENT TO COMMITTEE PRINT**  
**OFFERED BY MRS. CAPPS**

Amend title IX to read as follows and make the necessary conforming changes in the table of contents:

- 1       **TITLE IX—REFORMULATED**  
2               **GASOLINE**
- 3   **SEC. 9001. ELIMINATION OF OXYGEN CONTENT REQUIRE-**  
4               **MENT FOR REFORMULATED GASOLINE.**
- 5       (a) **ELIMINATION.**—
- 6               (1) **IN GENERAL.**—Section 211(k) of the Clean  
7       Air Act (42 U.S.C. 7545(k)) is amended—
- 8               (A) in paragraph (2)—
- 9                       (i) in the second sentence of subpara-  
10                      graph (A), by striking “(including the oxy-  
11                      gen content requirement contained in sub-  
12                      paragraph (B))”;
- 13                     (ii) by striking subparagraph (B); and
- 14                     (iii) by redesignating subparagraphs  
15                     (C) and (D) as subparagraphs (B) and  
16                     (C), respectively;
- 17               (B) in paragraph (3)(A), by striking clause  
18       (v);
- 19               (C) in paragraph (7)—
- 20                     (i) in subparagraph (A)—



1 (I) by striking clause (i); and  
2 (II) by redesignating clauses (ii)  
3 and (iii) as clauses (i) and (ii), respec-  
4 tively; and  
5 (ii) in subparagraph (C)—

6 (I) by striking clause (ii); and  
7 (II) by redesignating clause (iii)  
8 as clause (ii); and

9 (2) EFFECTIVE DATE.—The amendments made  
10 by paragraph (1) take effect 270 days after the date  
11 of enactment of this Act, except that such amend-  
12 ments shall take effect upon enactment in any State  
13 (A) that has received a waiver under section 209(b)  
14 of the Clean Air Act or (B) that has enacted (before  
15 enactment of this Act) a prohibition on the sale of  
16 gasoline containing MTBE if such prohibition will  
17 take effect on or before January 1, 2004; and in any  
18 State that enacts such a prohibition after the enact-  
19 ment of this Act, the amendments made by para-  
20 graph (1) shall take effect on the enactment of such  
21 prohibition.

22 (b) MAINTENANCE OF TOXIC AIR POLLUTANT EMIS-  
23 SION REDUCTIONS.—Section 211(k)(1) of the Clean Air  
24 Act (42 U.S.C. 7545(k)(1)) is amended—



1 (1) by striking “Within 1 year after the enact-  
2 ment of the Clean Air Act Amendments of 1990,”  
3 and inserting the following:

4 “(A) IN GENERAL.—Not later than No-  
5 vember 15, 1991,”; and

6 (2) by adding at the end the following:

7 “(B) MAINTENANCE OF TOXIC AIR POL-  
8 LUTANT EMISSIONS REDUCTIONS FROM REFOR-  
9 MULATED GASOLINE.—

10 “(i) DEFINITIONS.—In this subpara-  
11 graph the term ‘PADD’ means a Petro-  
12 leum Administration for Defense District.

13 “(ii) REGULATIONS REGARDING EMIS-  
14 SIONS OF TOXIC AIR POLLUTANTS.—Not  
15 later than 270 days after the date of en-  
16 actment of this subparagraph, the Admin-  
17 istrator shall establish, for each refinery or  
18 importer (other than a refinery or importer  
19 in a State that has received a waiver under  
20 section 209(b) with regard to gasoline pro-  
21 duced for use in that State), standards for  
22 toxic air pollutants from use of the refor-  
23 mulated gasoline produced or distributed  
24 by the refinery or importer that maintain  
25 the reduction of the average annual aggre-



1 gate emissions of toxic air pollutants for  
2 reformulated gasoline produced or distrib-  
3 uted by the refinery or importer during  
4 calendar years 1999 and 2000, determined  
5 on the basis of data collected by the Ad-  
6 ministrator with respect to the refinery or  
7 importer.

8 “(iii) STANDARDS APPLICABLE TO  
9 SPECIFIC REFINERIES OR IMPORTERS.—

10 “(I) APPLICABILITY OF STAND-  
11 ARDS.—For any calendar year, the  
12 standards applicable to a refinery or  
13 importer under clause (ii) shall apply  
14 to the quantity of gasoline produced  
15 or distributed by the refinery or im-  
16 porter in the calendar year only to the  
17 extent that the quantity is less than  
18 or equal to the average annual quan-  
19 tity of reformulated gasoline produced  
20 or distributed by the refinery or im-  
21 porter during calendar years 1999  
22 and 2000.

23 “(II) APPLICABILITY OF OTHER  
24 STANDARDS.—For any calendar year,  
25 the quantity of gasoline produced or



1 distributed by a refinery or importer  
2 that is in excess of the quantity sub-  
3 ject to subclause (I) shall be subject  
4 to standards for toxic air pollutants  
5 promulgated under subparagraph (A)  
6 and paragraph (3)(B).

7 “(iv) CREDIT PROGRAM.—The Admin-  
8 istrator shall provide for the granting and  
9 use of credits for emissions of toxic air pol-  
10 lutants in the same manner as provided in  
11 paragraph (7).

12 “(v) REGIONAL PROTECTION OF  
13 TOXICS REDUCTION BASELINES.—

14 “(I) IN GENERAL.—Not later  
15 than 60 days after the date of enact-  
16 ment of this subparagraph, and not  
17 later than April 1 of each calendar  
18 year that begins after that date of en-  
19 actment, the Administrator shall pub-  
20 lish in the Federal Register a report  
21 that specifies, with respect to the pre-  
22 vious calendar year—

23 “(aa) the quantity of refor-  
24 mulated gasoline produced that is  
25 in excess of the average annual



1 quantity of reformulated gasoline  
2 produced in 1999 and 2000; and

3 “(bb) the reduction of the  
4 average annual aggregate emis-  
5 sions of toxic air pollutants in  
6 each PADD, based on retail sur-  
7 vey data or data from other ap-  
8 propriate sources.

9 “(II) EFFECT OF FAILURE TO  
10 MAINTAIN AGGREGATE TOXICS RE-  
11 Ductions.—If, in any calendar year,  
12 the reduction of the average annual  
13 aggregate emissions of toxic air pol-  
14 lutants in a PADD fails to meet or  
15 exceed the reduction of the average  
16 annual aggregate emissions of toxic  
17 air pollutants in the PADD in cal-  
18 endar years 1999 and 2000, the Ad-  
19 ministrator, not later than 90 days  
20 after the date of publication of the re-  
21 port for the calendar year under sub-  
22 clause (I), shall—

23 “(aa) identify, to the max-  
24 imum extent practicable, the rea-  
25 sons for the failure, including the



1 sources, volumes, and character-  
2 istics of reformulated gasoline  
3 that contributed to the failure;  
4 and

5 “(bb) promulgate revisions  
6 to the regulations promulgated  
7 under clause (ii), to take effect  
8 not earlier than 180 days but not  
9 later than 270 days after the  
10 date of promulgation, to provide  
11 that, notwithstanding clause  
12 (iii)(II), all reformulated gasoline  
13 produced or distributed at each  
14 refinery or importer shall meet  
15 the standards applicable under  
16 clause (iii) not later than April 1  
17 of the year following the report  
18 in subclause (II) and for subse-  
19 quent years.

20 “(vi) REGULATIONS TO CONTROL  
21 HAZARDOUS AIR POLLUTANTS FROM  
22 MOTOR VEHICLES AND MOTOR VEHICLE  
23 FUELS.—Not later than July 1, 2004, the  
24 Administrator shall promulgate final regu-  
25 lations to control hazardous air pollutants



1 from motor vehicles and motor vehicle  
2 fuels, as provided for in section 80.1045 of  
3 title 40, Code of Federal Regulations (as  
4 in effect on the date of enactment of this  
5 subparagraph).”.

6 (c) CONSOLIDATION IN REFORMULATED GASOLINE  
7 REGULATIONS.—Not later than 180 days after the date  
8 of enactment of this Act, the Administrator shall revise  
9 the reformulated gasoline regulations under subpart D of  
10 part 80 of title 40, Code of Federal Regulations, to con-  
11 solidate the regulations applicable to VOC-Control Re-  
12 gions 1 and 2 under section 80.41 of that title by elimi-  
13 nating the less stringent requirements applicable to gaso-  
14 line designated for VOC-Control Region 2 and instead ap-  
15 plying the more stringent requirements applicable to gaso-  
16 line designated for VOC-Control Region 1.

17 (d) SAVINGS CLAUSE.—Nothing in this section is in-  
18 tended to affect or prejudice any legal claims or actions  
19 with respect to regulations promulgated by the Adminis-  
20 trator prior to enactment of this Act regarding emissions  
21 of toxic air pollutants from motor vehicles.

22 (e) DETERMINATION REGARDING A STATE PETI-  
23 TION.—Section 211(k) of the Clean Air Act (42 U.S.C.  
24 7545(k)) is amended by inserting after paragraph (10) the  
25 following:



1           “(11) DETERMINATION REGARDING A STATE  
2           PETITION.—

3           “(A) IN GENERAL.—Notwithstanding any  
4           other provision of this section, not less than 30  
5           days after enactment of this paragraph the Ad-  
6           ministrator must determine the adequacy of any  
7           petition received from a Governor of a State to  
8           exempt gasoline sold in that State from the re-  
9           quirements of paragraph (2)(B).

10           “(B) APPROVAL.—If the determination in  
11           (A) is not made within thirty days of enactment  
12           of this paragraph, the petition shall be deemed  
13           approved.”.

14   **SEC. 9002. MTBE PROHIBITION.**

15           (a) MTBE PROHIBITION.—Section 211(c) of the  
16   Clean Air Act (42 U.S.C. 7545(c)) is amended by adding  
17   at the end the following:

18           “(5) PROHIBITION ON USE OF MTBE.—

19           “(A) IN GENERAL.—Subject to subpara-  
20           graph (E), not later than 4 years after the date  
21           of enactment of this paragraph, the use of  
22           methyl tertiary butyl ether in motor vehicle fuel  
23           in any State other than a State described in  
24           subparagraph (C) is prohibited.



1           “(B) REGULATIONS.—The Administrator  
2           shall promulgate regulations to effect the prohi-  
3           bition in subparagraph (A).

4           “(C) STATES THAT AUTHORIZE USE.—A  
5           State described in this subparagraph is a State  
6           that submits to the Administrator a notice that  
7           the State authorizes use of methyl tertiary  
8           butyl ether in motor vehicle fuel sold or used in  
9           the State.

10          “(D) PUBLICATION OF NOTICE.—The Ad-  
11          ministrator shall publish in the Federal Reg-  
12          ister each notice submitted by a State under  
13          subparagraph (C).

14          “(E) TRACE QUANTITIES.—In carrying out  
15          subparagraph (A), the Administrator may allow  
16          trace quantities of methyl tertiary butyl ether,  
17          not to exceed 0.5 percent by volume, to be  
18          present in motor vehicle fuel in cases that the  
19          Administrator determines to be appropriate.”.

20          (b) NO EFFECT ON LAW CONCERNING STATE AU-  
21          THORITY.—The amendments made by subsection (a) have  
22          no effect on the law in effect on the day before the date  
23          of enactment of this Act regarding the authority of States  
24          to limit the use of methyl tertiary butyl ether in motor  
25          vehicle fuel.

